

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services - Treasuries and Accounts Department – Abusing in filthy language and slapping Sri R.Gopinath, JAO on 6-3-2006 by Sri G.Guru Raju, Joint Director, PPO, Hyderabad - Disciplinary action initiated against Sri G.Guru Raju, Joint Director — Imposition of a punishment of withholding of Rs.1000/- per month from pension for a period of one year under Rule 9 of A.P. Revised Pension Rules, 1980 – Orders – Issued.

FINANCE (ADMN.I.VIG.) DEPARTMENT

G.O.Rt.No. 190

Dated:22-01-2010.

Read the following:

1. DTA Letter No. KII (8)/4041/2006, dt. 23-03-2006.
2. G.O.Ms.No.2512, Finance (Admn.I.Vig) Deptt., dt. 13-07-2006.
3. Representation of Sri G.Guru Raju, Joint Director dt.5-8-2006.
4. DTA Lr.No. KII (8)/4041/2006, dt. 26-07-2006.
5. Govt.Memo.1210/47/Admn.I.Vig/A2/2006, dt. 9-9-2006.
6. DTA Memo.No. KII (8)/4041/2006, dt. 18-11-2006.
7. DTA Lr.No. KII (8)/4041/2006, dt. 20-02-2007.
8. G.O.Rt.No.1047, Finance (Admn.I.Vig.) Dept., dt. 21-03-2007.
9. Sri Janak Raj, IPS (Retd.) Commissioner of Inquiries D.O.Lr. No.130/COIJR/2007, dt. 15-9-2008 along with Inquiry Report.
10. Govt. Memo.No.1210/47/A2/Admn.I.Vig/2006, dt. 07-11-2008.
11. DTA Lr. No. KII (8)/4041/2006, dt. 23-12-2008 along with explanation of Sri G.Guru Raju, Joint Director (Retd.) dt.15-12-2008.
12. Govt. Memo. No.1210/47/A2/Admn.I.Vig/2006, dt. 30-06-2009.
13. Explanation of Sri G.Guru Raju, Joint Director (Retd.) dt.20-8-2009.
14. Govt. Memo. No.1210/47/A2/Admn.I.Vig/2006, dt. 11-09-2009.
15. DTA Lr. No. KII (8)/4041/2006, dt. 28-10-2009 along with Proforma Particulars of Sri G.Guru Raju, Joint Director (Retd.).
16. Govt. Letter No. 1210/47/A2/Admn.I.Vig/2006, dt. 09-11-2009. addressed to Secretary, APPSC, Hyderabad.
17. Secretary, APPSC Lr. No.1403/RT-I/3/2009, dt. 08-12-2009.

ORDER:-

In the reference 1st read above, the Director of Treasuries and Accounts has reported that on 6-3-2006 in between 11.00 A.M. to 12 A.M. certain incidents of tussle has happened between Sri G.Guru Raj, Joint Director, PPO, Hyderabad and his staff members. The staff members of PPO Office has staged a dharna at PPO against the misbehavior of Sri Guru Raju against staff members and manhandling and using verbal language against Sri R.Gopinath, JAO. He rushed immediately to the Office of the Joint Director, PPO, Hyderabad and held talks with the President and Secretary and other leaders of the Employees Association of PPO Unit. The PPO staff had briefed him that one of staff members, Sri Gopinath, JAO was allegedly abused and slapped by Sri Guru Raju, JD, PPO. The Staff members demanded severe action against Sri G.Guru Raju, Joint Director and given representation to him making certain allegations. The DTA has conducted a preliminary enquiry on the incident and furnished a report to the Government.

2. Government, after careful consideration of the report of DTA on the allegations made by the Staff of PPO Unit against Sri G.Guru Raj, Joint Director, transferred and posted him as Joint Director, Internal Audit wing, Finance Department and decided to initiate Departmental Proceedings against him.

3. Accordingly, Government have initiated Departmental Proceedings against Sri G.Guru Raju, Joint Director vide G.O. 2nd read above. The following Charges were framed against him.

Charge-I:

That, Sri G.Guru Raju, Joint Director, while working as Joint Director, Pension Payment Office on 06-03-2006 abused Sri R. Gopinath, J.A.O. in filthy language, slapped him on the face and pushed him out, by catching hold of his neck. Thereby he exhibited unruly behaviour and misconduct in contravention of Rule 3 and Rule 3-B (a) of A.P. Civil Services (Conduct) Rules, 1964.

Charge-II:

That, Sri G.Guru Raju, Joint Director, while working as Joint Director, Pension Payment Office abused women employees in filthy language and behaved disrespectably in a manner unbecoming of a Government Servant. Thus, he violated Rule 3-B (a) of A.P. Civil Services (Conduct) Rules, 1964.

Charge-III:

That, Sri G.Guru Raju, Joint Director, while working as Joint Director, Pension Payment Office, Hyderabad kept sanctioned C.L. applications of some staff members with him intentionally and included their names in the absentee statement and deducted their salaries for said leave period and kept the deducted salary in U.D. Pay after disbursement of the salaries. In some cases, he has not passed any orders i.e. whether he sanctioned or rejected the leave applications of the staff, as and when the Establishment Section submitted them with its remarks, for his perusal and same were kept with him for long periods without any reasons. Thus, he caused his staff members to suffer mentally and even financially and also intentionally harassed the staff. Thus, he violated Rule 3 and Rule 3-B (a) of A.P. Civil Services (Conduct) Rules, 1964.

4. In the reference 3rd read above, the Director of Treasuries and Accounts has informed that Sri G.Guru Raju, Joint Director, has sought permission to see the original records and to retain a copy of the same so as to furnish his written statement of defence on the charges framed against him. In the reference 4th read above, the Director of Treasuries and Accounts was directed to allow the Charged Officer, Sri G.Guru Raju, Joint Director to peruse the original records and to retain a copy of the same to submit his statement of defence.

5. In the reference 7th read above, the Director of Treasuries and Accounts informed that the original records were perused by the Charged Officer, Sri G.Guru Raju, Joint Director on 23-11-2006 and he was also supplied with Xerox copies of relevant documents as desired by him. But, he has not submitted his statement of defence though he was reminded to submit his statement of defence vide DTA Memo. dt. 16-11-2006. Hence, the DTA has requested to take further action against the Charged Officer, Sri G.Guru Raju, Joint Director as per rules.

6. Government, after careful consideration of the matter observed that though the Charged Officer perused the connected records and having retained the copies of the relevant material, did not submit his written statement of defence. Government construed that he has no reply and intention to submit his statement of defence on the charges framed against him and decided to conduct an inquiry into the charges framed against him as per the procedure laid down under Rule 20 of A.P.C.S. (CC&A) Rules, 1991.

7. Accordingly, Government have appointed Sri Janak Raj, Commissioner of Inquiries as Enquiry Officer to conduct regular enquiry under Rule 20 of A.P.C.S. (CCA) Rules, 1991 vide G.O. 8th read above. The Inquiry Officer has submitted his report vide reference 9th read above. In the mean while, Sri G.Guru Raju the then Joint Director has retired from service on 31-03-2007 on attaining the age of superannuation. Therefore, it was decided to take further action against him as per Rule 9 of A.P. Revised Pension Rules, 1980.

8. In the inquiry, out of three charges, the Charges II and III are not proved and Charge-I is substantially proved against the Charged Officer, Sri G.Guru Raju, Joint Director. The Inquiry Officer in his report observed that in his written arguments, the Presenting Officer mentioned about the depositions of PW-1 to 4 and the representations given against the Charged Officer. The Presenting Officer asserted that the evidence of PW-2 to 4 supported the statement of PW-1. He stated that the Charged Officer did not dispute the time and place of incident. He contended that even during the cross-examination, all the witnesses stood their ground and re-asserted their evidence given to examination-in-chief. The Presenting Officer stated that there was no dispute that the Charged Officer came to the section and the incident occurred in the section. In his final written arguments, the Charged Officer pointed out that there were discrepancies in the evidence of the witnesses and a doubt arose whether the Charged Officer pushed PW-1. The PW-1 admitted that the left hand of the Charged Officer does not work and he could not have caught hold of the neck of PW-1 to deliver a punch with his only hand. The Charged Officer quoted the evidence of PW-3 and contended that no incident took place, as alleged by PWs 1 & 2 and that the reply given by the PW-1 in a careless manner provoked the Charged Officer. The Charged Officer tried to contend that no incident at all took place as alleged. He took the plea that he was a disciplinarian man and the subordinates who ganged up to foist a case against him like this. The I.A. gone through the connected records, the depositions of the witnesses, the exhibits marked and find that there is overwhelming evidence in support of Charge-I. The arguments of the Charged Officer cannot be accepted. Agreeing with the contentions of the Presenting Officer and after examining all the connected records, it is clear that the allegation leveled in Charge-I regarding abusive behaviour of the Charged Officer with Sri R. Gopinath, JAO, on 6-3-2006 as **proved.**

9. Government, after careful examination of the Charges framed against Sri G.Guru Raju, Joint Director (Retd.) and the findings of the Enquiry Officer found that the Charge-I framed against him was held proved substantially and furnished a copy of the Enquiry report to the Charged Officer vide reference 10th read above.

10. The Director of Treasuries and Accounts has forwarded the explanation of Sri G.Guru Raju, Joint Director (Retd.) vide reference 11th read above. The Charged Officer, Sri G.Guru Raju, in his explanation has stated that the enquiry officer erred in appreciating the evidence on record in the right perspective in respect of Charge No. I and erroneously held the charge as proved. It is in evidence that the complainant, Sri R. Gopinath replied in a careless manner raising his voice when he enquired him about the files, which led to the alleged exchange of words. It is in evidence that he met with an accident wherein the bone of his left hand was broken into pieces at three places and as a result his left hand is not working. Therefore, the averment that he caught hold of the neck of the complainant, Sri Gopinath and dealt a blow with his only hand working does not stand to any standards of scrutiny. On the discrepancies, in the evidence of witnesses a doubt arises regarding pushing by him with one hand & blow. Therefore, it is not possible for him to catch hold the neck and deliver a punch. He has contended that there is no misbehavior and misconduct in his discharging his duties and requested to exonerate him fully from the charges.

11. Government, after careful examination of the explanation of the Charged Officer Sri G.Guru Raju, Joint Director (Retd.) with reference to the findings of the Enquiry Officer found that there was enough evidence that the Charged Officer used abusive language against Sri R.Gopinath, JAO. Hence, the Charge-I framed against him is held proved. Therefore, Government came to a provisional conclusion for imposition of punishment of withholding of Rs.1000/- per month from his pension for a period of one year on the Charged Officer, Sri G.Guru Raju, Joint Director (Retd.), under Rule 9 of A.P. Revised Pension rules, 1980. Accordingly, a final show cause notice was issued to the Charged Officer, G.Guru Raju, Joint Director (Retd.) vide reference 12th read above.

12. The Charged Officer, Sri G.Guru Raju, Joint Director (Retd.) submitted his explanation vide reference 13th read above. The Charged Officer, in his explanation stated that none of the attributions relate to corruption, loss, theft, misbehavior or misconduct in discharging his duties and the apex court observed that using harsh word in raised voice without any malafide intention is no offence.

13. Government, after careful examination of the explanation of the Charged Officer, with reference to the findings of the Enquiry Officer observed that the Charged Officer has behaved in an indecent manner against his subordinate officer using filthy language and caused in bringing down the image of the Government and its organizations in the public eye. The Charge-I is proved against him substantially in the inquiry. Therefore, Government came to a provisional conclusion for imposition of a punishment of withholding of Rs.1,000/- per month from the pension for a period of one year on the Charged Officer Sri G.Guru Raju, Joint Director (Retd.) under Rule 9 of A.P. Revised Pension Rules, 1980 and referred the matter to the Andhra Pradesh Public Service Commission, Hyderabad for their concurrence vide letter 16th read above.

14. The Andhra Pradesh Public Service Commission, Hyderabad in their letter 17th read above, have concurred with the proposal of the Government for imposition of a punishment of withholding of Rs.1,000/- per month from the pension for a period of one year on the Charged Officer Sri G.Guru Raju, Joint Director (Retd.) under Rule 9 of A.P. Revised Pension Rules, 1980.

15. Government, accordingly, hereby order for imposition of a punishment of withholding of Rs.1,000/- per month from the pension for a period of one year on the Charged Officer Sri G.Guru Raju, Joint Director (Retd.) under Rule 9 of A.P. Revised Pension Rules, 1980.

16. The Director of Treasuries and Accounts, Hyderabad shall take necessary further action in the matter accordingly.

17. The G.O. is available on Internet and can be accessed at the address <http://www.goir.ap.gov.in>.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**L.V.SUBRAHMANYAM
PRL. SECRETARY TO GOVERNMENT (FP)**

To

The individual through the Director of Treasuries & Accounts, A.P., Hyderabad.

The Director of Treasuries and Accounts, A.P., Hyderabad.

Copy to:

The Accountant General, A.P., Hyderabad.

The Secretary, Andhra Pradesh Public Service Commission, A.P., Hyderabad

SF/SC

::FORWARDED BY ORDER::

SECTION OFFICER